

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00045-01

MICHAEL RICHARD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On April 19, 2018, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Michael Richard, appeared in person and by his counsel, Rachel E. Zimarowski, Assistant Federal Public Defender, for a hearing on the Second Amendment to the original petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson on March 2, 2018. The defendant commenced a 30-month term of supervised release in this action on September 23, 2016, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 2, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that, in addition to the violations set forth in its order entered on November 15, 2017, the defendant has violated the conditions of supervised release in the following respect: the defendant used and possessed hydrocodone without a valid prescription as evidenced by a positive urine specimen submitted by him on February 24, 2018, for opiates, the defendant having admitted to the probation officer that he used two hydrocodone tablets the previous night and that he had used four additional hydrocodone tablets within three weeks prior which he purchased for \$4.00 each; all as admitted by the defendant on the record of the hearing and all as set forth in the Second Amendment to the original petition.

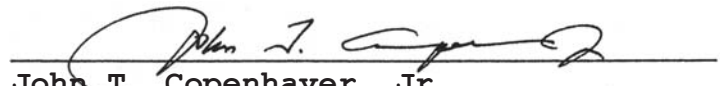
And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: May 1, 2018


John T. Copenhagen, Jr.
United States District Judge